

*Jasper County Planning Commission
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**Minutes of the August 10, 2021
Regular Scheduled Meeting**

Members Present: Chairman, Alex Pinckney; Vice-Chairman, Randy Waite; Dr. Earl Bostick; Mr. Thomas Jenkins; Dr. Debora Butler; and Ms. Sharon Ferguson

Members Absent: Mr. Randy Smith

Staff Present: Ms. Lisa Wagner and Ms. Sharon Durst

Others Present: Mr. John Paul Moore and Mr. John Garceau, both from Thomas & Hutton Engineering; Mr. Will Waterhouse and Mr. Doug Hill, both from Del Webb; and Mr. Willy Powell from Ward Edwards Engineering.

In accordance with the Freedom of Information Act the electronic and print media were notified. During periods of discussion and/or presentations minutes are typically condensed and paraphrased. The recorded version is available in the Office of the Planning and Building Services Department.

Call to Order: Chairman Pinckney brought the meeting to order at approximately 6:00 p.m.

Invocation & Pledge of Allegiance: Invocation and Pledge of Allegiance was given by Mr. Jenkins

Approval of Agenda: Mr. Jenkins motioned to approve the Agenda as published, seconded by Ms. Ferguson. The Commission Members voted unanimously in favor of the motion.

Approval of Minutes: Mr. Jenkins motioned to approve the Minutes of the **July 13, 2021**, meeting as written, seconded by Ms. Ferguson. The Commission Members voted unanimously in favor of the motion. Dr. Butler said on the last page there is a typo, the word "being" should be "bring". Ms. Wagner said she will make the correction to the Minutes.

New Business:

Zoning Map Amendment – Master Plan, Sun City Hilton Head Peninsula Tract Cottages, Tax Map Number #067-00-01-054: Ms. Wagner said Del Webb Communities along with their Engineering Team, Thomas & Hutton requests approval of a Master Plan for Sun City Hilton Head (SCHH) Peninsula Tract Cottages. This Master Plan has been developed in accordance with the Peninsula Planned Development District (PDD) and General Development Plan (PDD Standards), and the Development Agreement approved by Jasper County Council on August 2, 2004. In accordance with the December 15, 2003, Jasper County Zoning Ordinance, there is no requirement for a Master Plan; however, the Developer and Thomas & Hutton have agreed to

provide a Master Plan which incorporates the requirements of the current Zoning Ordinance, Article 8:1.10, *Master Plan*.

A Master Plan is a plan for the overall utilization of a particular area, including allocation of land uses and infrastructure. This Master Plan is located on a 68-acre portion of Tract C. Tract C is currently 104 acres, The boundary survey depicts the Master Plan area as 68 acres and is labeled Tract C-1. On the approved Concept Plan, this area is shown as Neighborhood "A". The Sun City Hilton Head (SCHH) – Peninsula Tract Cottages Master Plan proposes 256 single family residential attached and detached homes along with lagoons, park, other common areas and sidewalks. The Master Plan shows development taking place in 3 phases over a 5-year period, with the 1st phase consisting of 100 lots. Del Webb Communities along with their Engineering Team, Thomas & Hutton requests approval of a Master Plan for Sun City Hilton Head (SCHH) Peninsula Tract Cottages. This Master Plan has been developed in accordance with the Peninsula Planned Development District (PDD) and General Development Plan (PDD Standards), and the Development Agreement approved by Jasper County Council on August 2, 2004. Ms. Wagner said staff recommends approval of the Sun City Hilton Head Peninsula Tract Cottages Master Plan.

Mr. Waite asked why this particular project did not go into the City of Hardeeville since the adjacent tract and the rest of the Sun City development is in the City of Hardeeville. Ms. Wagner said because there is a Development Agreement (DA), which is a legal binding document with Jasper County for the development of the property. Mr. Waite pointed out that the DA was very dated and asked how long it is good for. Ms. Wagner said this DA was good for 10 years; however, the State of South Carolina extended all DAs that were already approved and existed in 2008. She said there were 2 extensions by the state, which effectively added 8 years to all of the DAs. She said the purpose of the extension was to help the economy. She said this DA does not expire until August of 2022.

Mr. Jenkins motioned to approve the Sun City Hilton Head Peninsula Tract Cottages Master Plan, Tax Map Number #067-00-01-054, seconded by Mr. Waite. The Commission Members voted unanimously in favor of the motion.

Zoning Map Amendment – Tax Map Number #060-00-02-087: Ms. Wagner said the applicant requests preliminary plat approval for Phase I of the proposed North Point subdivision. The subject property consists of 125 acres and is known as the Nimmer Smart Tract. The applicant intends to develop a single-family residential subdivision. The development will be constructed in two phases. The applicant is seeking preliminary plat approval of Phase I, which consists of 33 lots and will impact approximately 51.7 acres. The Planning Commission granted conceptual approval for Phase I of the North Point subdivision on February 4, 2020. The subject property is zoned Rural Preservation (RP) and is located along Highway 278 in the Gillisonville area, just before the intersection of Morgan Dollar Road (Highway 462). The applicant proposes to develop the property in accordance with the current zoning designation RP, which requires lot sizes to be a minimum of 1 acre. The proposed lot sizes range from 1 acre – 2 acres except for lot 8, which is .90 acres and does not meet the minimum lot size requirement. There are 9.69 acres of dedicated open space. Some of the open space areas contain wetlands, which the applicant intends to preserve. The Land Use Exhibit shows a temporary soccer field for the community. There will also be a landscape buffer established along Highway 278, which will provide screening for the subdivision. Once all the lots are sold, a Homeowner's Association (HOA) will be established by the Developer.

In accordance with Article 2.8 of the Jasper County Land Development Regulations, once the Planning Commission approves the Preliminary Major Subdivision Application, the applicant shall submit four (4) final sets of construction plans for execution by the Planning Commission, one (1) copy of which shall be

forwarded to the applicant. Preliminary Major Subdivision Plat approval shall allow the applicant to proceed under the supervision of the County, with the installation of site improvements. Preliminary Major Subdivision Plat approval shall not authorize the applicant to sell or otherwise transfer lots or parcels within the platted subdivision. No construction shall begin on the site until the Planning Commission Chairman has signed the construction plans and the developer has posted the appropriate performance bond(s), Letter-of-Credit, or other financial security acceptable to the County for the proposed site improvements along with the appropriate Inspection Fee.

In accordance with Article 4.6 of the Jasper County Land Development Regulations, preliminary approval shall constitute approval of the proposed widths and alignments of streets and dimensions and shapes of lots. Preliminary plat approval is good for 2 years from the date of approval. In accordance with Article 4.7 of the Jasper County Land Development Regulations, a traffic report is not required for land developments that generate less than 75 peak hour trips per day, so while Phase I does not require a traffic report, one will be needed during the approval process for Phase II. An environmental impact assessment was prepared by Ward Edwards, dated June 26, 2020, and is included with the staff report.

Thomas & Hutton has reviewed the subdivision plans against Article 2.4, *Completeness*; Article 2.8(B), *Preliminary Major Subdivision Plat Approval*; Article 4.6, *Preliminary Major Subdivision Procedure*; Article 4.7, *Preliminary Plat Requirements*, and all other elements as required for land development, such as, road designs, stormwater, construction standards, and the Engineer's Opinion of Cost. All requirements of the Land Development Regulations have been met regarding the engineered plans for construction. However, in accordance with the Zoning Ordinance, Lot 8 does not meet the minimum lot size requirement. Thomas & Hutton's letter dated April 16, 2021, is included with this staff report. Staff recommends that preliminary plat approval for Phase I of the North Point subdivision not be granted until the following items are received: Revise Lot 8 to show a minimum of 1 acre. Road Maintenance Agreement from Developer, agreeing to maintain the private roads. A bond or other financial guarantee in the amount of \$1,156,171. The financial document will need to be reviewed by the County Attorney.

Mr. Willy Powell with Ward Edward Engineering addressed the Commission. He said Lot 8 on the plat was a typo and they have revised the plat showing the lot as 1 acre. He said they have updated the covenants to add in a section for road maintenance and road ownership. He said the Developer will maintain the roads until the HOA is established and then the road will be owned and maintained by the HOA. He said they will begin to secure the bond.

Dr. Butler asked why the soccer field is temporary. Mr. Powell said the soccer field is the same size as two lots, which are in Phase II and the plan is to relocate the temporary soccer field to another area during the development of phase II. Dr. Butler asked if there is anything in the agreement to include an amenity like this or is it optional by the Developer. Mr. Powell said this amenity has been presented on the Phase I plat, the overall concept plan, and all the marketing material. Dr. Butler asked if the area could go away if the Developer decides for it not to be there. Mr. Powell said he assumes it could, but it is their intention to keep it there, and once the HOA is established it will belong to the HOA. Dr. Butler asked if it is typical for the HOAs to take over the roads. Ms. Wagner said yes, once the HOA is established the Developer should deed the roads and all the open space to the HOA who then controls the roads and open space.

Mr. Jenkins asked if there is a requirement for an archeological study to make sure there are no graves on the property. Ms. Wagner said yes, it is part of the environmental assessment that Ward Edwards provided. She said the report was included with the staff report. There were questions about having proof that the assessment was done. Ms. Wagner pointed out that the assessment references the Jasper County

Natural Resources document and the State Historic Preservation Office. Mr. Powell said as part of the state permitting, which they have obtained, the state does a review with State Historic Preservation Office and the SC Institute of Archaeological and Anthropology.

There were questions about setbacks for the wells and septic tanks. Ms. Wagner said all structures have to be setback 5' from the septic tanks, which will be checked at the time of building permits and DHEC has their own setback requirements for the separation of septic tank and wells.

There were questions about HOA fees and the price point of the houses. Mr. Powell said he is not sure what the HOA fees will be, but he believes they will be kept to a minimum, just enough to maintain the roads, the common space, and insurance. He said he is not sure the exact price range for the houses, but he knows the project is intended to serve as workforce housing.

Ms. Ferguson asked if the amenities would include anything like a clubhouse, where the POA can meet. Mr. Powell said no there won't be a clubhouse or any type of formal pavilion or meeting space. He said the HOA could meet at the field or cul-de-sacs.

Mr. Powell asked if it is possible to get conditional approval and work with Ms. Wagner to provide the revised documents and the bond. Mr. Pinckney said he doesn't like giving conditional approval on a project like this without having the outstanding items. The other Commissioners agreed.

Chairman Pinckney recommended that all items requested by the DSR are received prior to approving this project and once these items are received, the project can come back for a vote.

Open Discussion: There was some discussion about whether new provisions are needed for roads that are going to be turned over to Home Owner Associations (HOA) in order to protect people who live in communities where not many of the lots have been sold and the burden of maintaining roads fall to only a few people. Ms. Wagner said Jasper County amended their road ordinance in 2018 to require Maintenance Bonds after all the infrastructure is built. She said the North Point subdivision will be the first subdivision that will have to comply with the new regulations. She said the intent of the maintenance bond is to ensure the workmanship and quality of the roads and infrastructure for a certain number of years.

There was some discussion about the Planning Commission working with County Council to have certain roads taken into the county maintenance system in the event where the Developer isn't able to carry a subdivision project to the end, where very few lots are sold, poor road conditions exists, not enough people to fund a POA, and people living in the subdivision have no other recourse because no one takes ownership of the road. Ms. Wagner said the 2018 road ordinance provides a process in which the community can ask the County Council to accept their roads. She said the roads will have to meet the criteria outlined in the ordinance.

There was some discussion about requiring a certain percentage of the lots to be sold before establishing the POA, so that the burden of road maintenance does not fall to just a small number of people. There was a suggestion to require 100% of the lots to be sold before the Developer establishes a HOA. Dr. Butler asked if the staff could provide the road ordinance to the Commissioners so they can look at it and determine if any changes are needed. Mr. Pinckney said yes, Ms. Wagner can include that information in next month's packages so the Commissioners can review it and see if any additional requirements are needed.

There was some discussion about developers not doing an independent archeological study, but rather relying on old studies. Ms. Wagner said the state keeps an inventory of grave sites, historical places, and archeological findings so this is where a person goes to check the inventory. Ms. Wagner said it is the same with the Jasper County Natural Resources document, inventory is taken and updated.

There was some discussion about how long ago the Planned Development Districts (PDD) were approved and all the changes that have taken place since that time. There was a question about whether there should be a check in place to limit the number of years these projects hang out before being required to go through the approval process again. There was a question about how long the Development Agreements (DA) are good for. Ms. Wagner said some are 5 years and others are 10 years. She said the state passed legislation two different times, in 2008 and 2010, extending all development agreements in the state because of the economic downturn, allowing extensions for a period of 8 years. There was a suggestion that the Planning Commission could look at this a little more in the future. Ms. Wagner said in the Peninsula PDD case, the County Council will be discussing the DA in executive session. She said they may ask for an extension of the DA or changes to the DA. She said the Administrator is dedicated to making sure that development does not hurt Jasper County and she feels sure the Council will ask for some things that will benefit the County.

Adjourn: Dr. Bostick motioned to adjourn, seconded by Mr. Jenkins. The Commissioners voted unanimously in favor of the motion. The meeting adjourned at approximately 7:29 p.m.

Respectfully Submitted,

Lisa Wagner